



1. Proposed Class Counsel filed the Preliminary Approval Motion on July 10, 2023. The Preliminary Approval Motion attached as exhibits, among other things, a Proposed Order Granting Preliminary Approval of Settlement Agreement (the “Proposed Preliminary Approval Order”) (ECF No. 4-1) and a Class Action Settlement Agreement (the “DuPont Entities Settlement Agreement”) (ECF No. 4-2.)

2. After filing of the Preliminary Approval Motion, the Sovereigns requested additional time to communicate issues that they sought clarification upon, and if such items could not be adequately addressed, for additional time to respond to Plaintiffs’ Preliminary Approval Motion (ECF No. 14), which the Court granted (ECF No. 15).

3. Proposed Class Counsel, the DuPont Entities, and the Sovereigns have met and conferred about the issues raised by the Sovereigns concerning the DuPont Entities Settlement Agreement. Those discussions have resulted in the agreements set forth herein.

4. Proposed Class Counsel and the DuPont Entities have agreed to the clarifications and modifications of the DuPont Entities Settlement Agreement and the Proposed Preliminary Approval Order reflected in the attached redlines at Ex. A and Ex. B, respectively.

5. The Sovereigns have agreed that, with these clarifications and modifications, they do not oppose the Preliminary Approval Motion [2:23-cv-03230-RMG, ECF 3; 2:18-mn-2873, ECF No. 3393]. A short summary of the clarifications and modifications set forth in the attached redlines follows:

6. The parties agreed to revise the definition of Releasing Persons. Ex. A, ¶ 2.45.<sup>2</sup>

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<sup>2</sup> Capitalized terms shall have the same meaning as set forth in the DuPont Entities Settlement Agreement and accompanying exhibits.

7. The parties agreed to extend the deadline for Requests for Exclusion to 90 days. Ex. A, ¶ 9.7.2. *See also* Ex. B. at 2 (revising the Order Granting Preliminary Approval of Settlement Agreement).

8. The parties agreed to amend the provision regarding Protection Against Claims-Over. Ex. A, ¶¶ 12.7.1, 12.7.5.

9. The parties agreed to a modification to the section of the Proposed Preliminary Approval Order regarding the Stay Order and Injunction. Ex. B at 3.

10. In addition, as part of this agreement, Proposed Class Counsel have confirmed to the Sovereigns that they have always intended to establish a settlement-specific website with information that will allow Class Members to derive a good faith estimate of what they may receive under the DuPont Entities Settlement Agreement if they participate in it, which is in process. This reference material is a good faith estimate only and not the actual settlement awards because allocations depend on data that is not publicly available, the extent of participation rates among Class Members is unknown, and the full extent of Impacted Water Sources is unknown. These factors are unknowable until all Claims Forms have been submitted and processed; however, the reference material will nonetheless prove useful in providing a good faith estimate and will be available on the settlement-specific website.

Accordingly, the parties and the Sovereigns respectfully request that the Court consider the attached clarifications and modifications as part of the proposed DuPont Entities Settlement Agreement and the Proposed Preliminary Approval Order.

Dated: August 7, 2023

Respectfully submitted,

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I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 7th day of August 2023 and was thus served electronically upon counsel of record.

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